

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

KEVIN A. APGAR,	)	
	)	Case No. 07-505 (SLR)
Plaintiff,	)	JURY TRIAL DEMANDED
v.	)	
	)	
WARDEN RAPHAEL WILLIAMS,	)	
DR. BINNON, JAMES WELCH,	)	
	)	
Defendants.	)	

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**DEFENDANT DR. BINNON'S FIRST SET OF REQUESTS  
FOR PRODUCTION DIRECTED TO PLAINTIFF**

Defendant Dr. Binnon, by and through his undersigned counsel, requests production of the following documents within thirty (30) days from the date hereof at the offices of Balick & Balick LLC, 711 King Street, Wilmington, Delaware:

REQUESTS

1. All documents<sup>1</sup> referred to in Plaintiffs' Answers to Interrogatories.

**RESPONSE:**

2. Copies of all documents which are relevant, in whole or in part, to plaintiff's claim for damages (including but not limited to medical reports, income and tax records).

**RESPONSE:**

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<sup>1</sup> All definitions and instructions contained in Dr. Binnon's First Set of Interrogatories are incorporated herein by reference.

3. Copies of all documents which are relevant, in whole or in part, to plaintiff's claim for lost wages.

**RESPONSE:**

4. If you claim any loss of support, loss of income, loss of future income, or impairment of earning capacity in this lawsuit, please produce Federal and State income tax returns for the years 1998 through the present.

**RESPONSE:**

5. Copies of any hospital records, test results, examination results or reports, office notes, correspondence, or any other matter in writing whatsoever pertaining to your physical, mental, or emotional condition at any time or any treatment or examinations or tests concerning your health.

**RESPONSE:**

6. Correspondence or written or recorded report made by each physician or other medical personnel to whom you have gone for consultation or examination concerning your physical, mental, or emotional condition.

**RESPONSE:**

7. All documents submitted to or received from any expert.

**RESPONSE:**

8. Every photograph, diagram or other pictorial representation(s) upon which you intend to rely at trial.

**RESPONSE:**

9. Copies of all bills and receipts evidencing payment of bills for which the plaintiff seeks compensation in this lawsuit.

**RESPONSE:**

10. Copies of the curriculum vitae of all experts you intend to call at trial.

**RESPONSE:**

11. Any journals, diaries, logs or other documents or recordings kept by the plaintiff.

**RESPONSE:**

12. All documents, including but not limited to texts, journals, treatises, correspondence, and memoranda upon which any expert retained by you in connection with this lawsuit relies in forming his or her opinion.

**RESPONSE:**

BALICK & BALICK L.L.C.

/s/ James E. Drnec  
James E. Drnec (DE Bar # 3789)  
711 King Street  
Wilmington, DE 19801  
(302) 658-4265  
Attorneys for Dr. Binnon

Dated: June 3, 2008

**CERTIFICATE OF SERVICE**

I, James Drnec, hereby certify that on the 3<sup>rd</sup> day of June 2008, the foregoing Defendant Dr. Binnon's First Set of Requests for Production Directed to Plaintiff was filed via CM/ECF and served upon the following in the manner indicated:

Kevin A. Apgar  
SBI# 302981  
Howard R. Young Correctional Institution  
P.O. Box 9561  
Wilmington, DE 19809

*VIA FIRST CLASS MAIL*

Stacey X. Stewart, Esquire  
Department of Justice  
State of Delaware  
820 N. French Street, 8th Floor  
Carvel Office Building  
Wilmington, DE 19801

*VIA CM/ECF FILING*

/s/ James E. Drnec  
James E. Drnec, Esquire (#3789)